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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/750,606	12/29/2003	Paul H. Bouchier	10001728-3	1340

7590                    12/12/2007  
HEWLETT-PACKARD COMPANY  
Intellectual Property Administration  
P.O. Box 272400  
Fort Collins, CO 80527-2400

EXAMINER
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PHAN, RAYMOND NGAN

ART UNIT	PAPER NUMBER
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2111

MAIL DATE	DELIVERY MODE
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12/12/2007

PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

<b>Office Action Summary</b>	Application No.	Applicant(s)
	10/750,606	BOUCHIER ET AL.
Examiner	Art Unit	
Raymond Phan	2111	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

## Status

1)  Responsive to communication(s) filed on 20 September 2007.  
2a)  This action is **FINAL**.                  2b)  This action is non-final.  
3)  Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

## **Disposition of Claims**

4)  Claim(s) 1-8, 11-17, 19-27 and 30-32 is/are pending in the application.  
4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.

5)  Claim(s) \_\_\_\_\_ is/are allowed.

6)  Claim(s) 1-8, 11-17, 19-27, 30-32 is/are rejected.

7)  Claim(s) \_\_\_\_\_ is/are objected to.

8)  Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

## **Application Papers**

9)  The specification is objected to by the Examiner.

10)  The drawing(s) filed on \_\_\_\_\_ is/are: a)  accepted or b)  objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)  The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

12)  Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).  
a)  All b)  Some \* c)  None of:  
1.  Certified copies of the priority documents have been received.  
2.  Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.  
3.  Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

1)  Notice of References Cited (PTO-892)  
2)  Notice of Draftsperson's Patent Drawing Review (PTO-948)  
3)  Information Disclosure Statement(s) (PTO/SB/08)  
Paper No(s)/Mail Date \_\_\_\_\_

4)  Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_\_  
5)  Notice of Informal Patent Application  
6)  Other: \_\_\_\_\_

### **Part III DETAILED ACTION**

#### *Notice to Applicant(s)*

1. This action is responsive to the following communications: the remarks filed on September 20, 2007.
2. This application has been examined. Claims 1-8, 11-17, 19-27, 30-32 are pending.

#### *Double Patenting*

3. The nonstatutory double patenting rejection is based on a judicially created doctrine grounded in public policy (a policy reflected in the statute) so as to prevent the unjustified or improper timewise extension of the "right to exclude" granted by a patent and to prevent possible harassment by multiple assignees. See *In re Goodman*, 11 F.3d 1046, 29 USPQ2d 2010 (Fed. Cir. 1993); *In re Longi*, 759 F.2d 887, 225 USPQ 645 (Fed. Cir. 1985); *In re Van Ornum*, 686 F.2d 937, 214 USPQ 761 (CCPA 1982); *In re Vogel*, 422 F.2d 438, 164 USPQ 619 (CCPA 1970); and, *In re Thorington*, 418 F.2d 528, 163 USPQ 644 (CCPA 1969).

A timely filed terminal disclaimer in compliance with 37 CFR 1.321© may be used to overcome an actual or provisional rejection based on a nonstatutory double patenting ground provided the conflicting application or patent is shown to be commonly owned with this application. See 37 CFR 1.130(b).

Effective January 1, 1994, a registered attorney or agent of record may sign a terminal disclaimer. A terminal disclaimer signed by the assignee must fully comply with 37 CFR 3.73(b).

4. Claim 1 is rejected under the judicially created doctrine of obviousness-type double patenting as being unpatentable over claim 1 in Patent No. 6,725,317. Although the conflicting claims are not identical, they are not patentably distinct from each other because the omissions of,

wherein at least one partition has at least two cell boards, and  
service processor may be replaced while computer system is on-line,  
in claim 1 are obvious expedients since elements of claims 1 of the present  
application still comprises the same components and functions,

a plurality of cell boards, with each cell board including at least one main processor;

a service processor that is connected to each of the cell boards;

data that describes a configuration for the computer system;

wherein each partition includes at least one cell board, and the service processor manages configuration of the partitions and wherein the service processor and each cell board stores a copy of the data.

as claim 1 of the patent. In re Karlson, 136 USPQ 189 (ccPA 1963).

5. Claim 15 is rejected under the judicially created doctrine of obviousness-type double patenting as being unpatentable over claim 13 in Patent No. 6,725,317. Although the conflicting claims are not identical, they are not patentably distinct from each other because the omissions of,

using at least one USB format bus to provide communications between the service processor and the cell boards,

in claim 13 are obvious expedients since elements of claims 15 of the present application performs the same functions,

providing a service processor that is connected to teach of the cell boards;

providing data, by the service processor, that describes an initial configuration for the computer system;

storing a copy of that data in the service processor and in each cell board;

managing configuration of the partitions via the service processor,

as claim 13 of the patent. In re Karlson, 136 USPQ 189 (ccPA 1963).

6. Claim 27 is rejected under the judicially created doctrine of obviousness-type double patenting as being unpatentable over claim 24 in Patent No. 6,725,317.

Although the conflicting claims are not identical, they are not patentably distinct from each other because the omissions of,

wherein after reset, each cell enters a default configuration that excludes the other cells from being part of its partition, and the service processor changes the default configuration of each cell to another configuration,

in claim 24 are obvious expedients since elements of claims 27 of the present application still comprises the same components and functions,

a plurality of cell boards, wherein each partition includes at least one cell board, and each cell board is capable of determining whether each of the other cell boards may be part of its partition independent of the other partition;

service processor that is connected of the cell boards via at least one bus, wherein the service processor manages configurations of the partitions, and the service processor and each cell board stores a copy of data that describes a configuration for the computer system.

as claim 24 of the patent. In re Karlson, 136 USPQ 189 (ccPA 1963).

#### Double Patenting Charting

Present application

Pat No. 6,725,317

1	1
2	2
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***Allowable Subject Matter***

7. Claims 1-8, 11-17, 19-27, 30-32 are allowed over the prior of records.

***Response to Argument***

8. Applicant's arguments, see pages 6-10, filed on September 20, 2007 with respect to the rejection of claims 1-2, 6, 11-12, 14-16, 20, 24-27 under 35USC103(a) have been fully considered and are persuasive. However Double Patent rejection remains rejected from Office Action mailed on March 19, 2005.

Applicants are required to file Terminal Disclaimer in order Notice of Allowance will be issued.

***Conclusion***

9. Claims 1-8, 11-17, 19-27, 30-32 are rejected.
10. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 C.F.R. § 1.136(a).

A SHORTENED STATUTORY PERIOD FOR RESPONSE TO THIS FINAL ACTION IS SET TO EXPIRE THREE MONTHS FROM THE DATE OF THIS ACTION. IN THE EVENT A FIRST RESPONSE IS FILED WITHIN TWO MONTHS OF THE MAILING DATE OF THIS FINAL ACTION AND THE ADVISORY ACTION IS NOT MAILED UNTIL AFTER THE END OF THE THREE-MONTH SHORTENED STATUTORY PERIOD, THEN THE SHORTENED STATUTORY PERIOD WILL EXPIRE ON THE DATE THE ADVISORY ACTION IS MAILED, AND ANY EXTENSION FEE PURSUANT TO 37 C.F.R. § 1.136(a) WILL BE CALCULATED FROM THE MAILING DATE OF THE ADVISORY ACTION. IN NO EVENT WILL THE STATUTORY PERIOD FOR RESPONSE EXPIRE LATER THAN SIX MONTHS FROM THE DATE OF THIS FINAL ACTION.

11. Any inquiry concerning this communication or earlier communications from the examiner should be directed to examiner Raymond Phan, whose telephone number is (571) 272-3630. The examiner can normally be reached on Monday-Friday from 6:30AM- 4:00PM. The Group Fax No. (571) 273-8300.

Communications via Internet e-mail regarding this application, other than those under 35 U.S.C. 132 or which otherwise require a signature, may be used by the applicant and should be addressed to [raymond.phan@uspto.gov].

All Internet e-mail communications will be made of record in the application file. PTO employees do not engage in Internet communications where there exists a possibility that sensitive information could be identified or exchanged unless the record includes a properly signed express waiver of the confidentiality requirements of 35 U.S.C. 122. This is more clearly set forth in the Interim Internet Usage Policy published in the Official Gazette of the Patent and Trademark on February 25, 1997 at 1195 OG 89.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Any inquiry of a general nature or relating to the status of this application should be directed to the TC 2100 central telephone number is (571) 272-2100.



**Raymond Phan**  
**Patent Examiner**  
**Tech Center 2100**